IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.190 OF 2002

Shivramakrishnan Subramanian & ors...Petitioners

versus

The State of Maharashtra ...Respondent

...

Mr. Mohan A. Dharmaraj, for the Petitioners.

Mr. K.V. Saste, A.P.P., for the State.

Mr. Vinay Hegade, for the first informant.

...

CORAM : A.M.KHANWILKAR,J.

3rd February 2005

P.C.:

. Heard Counsel for the parties. It is not in dispute that parties have arrived at amicable settlement. According to the terms of settlement, as arrived at before Justice H. Suresh, who was kind enough to act as Mediator for the parties, the Petitioners are required to pay sum of Rs. 15 lakhs to the first informant’s daughter. The amount was required to be paid on

or before 2nd December 2004, which period was extended till 29th December 2004. It is seen that the Petitioners have showed willingness to pay the amount, but the form in which it was offered was not acceptable to the daughter of the first informant. The matter has been adjourned only for this purpose on several dates. Now, once again, the same issue is pressed on behalf of the daughter of the first informant. It is agreed that if the stated amount is made over to the daughter of the first informant, neither the first informant nor his daughter is willing to pursue the criminal action against the Petitioners. In this view of the matter, the entire controversy can be put at rest by passing following order.

(A) The Petitioners shall deposit the Bank Draft drawn in the name of Registrar, Family Court, Mumbai, for sum of Rs.14,85,000/- (Rupees fourteen lakhs eighty five thousand only) and cash of Rs.15,000/- (Rupees fifteen thousand only) within one week from today. On such deposit being made, it will be open

to the daughter of the first informant to withdraw forthwith entire amount as deposited by the Petitioners sofar, including the aforesaid amount along with interest acrued thereon, if any, on passing decree in terms of the agreement reached between the parties.

(B) After such decree is passed by the Family Court and the daughter of the first informant withdraws the amount, the proceedings pending before the Criminal Court between the parties, which have been initiated on the basis of CR.No. 187/2001 will stand quashed.

. I am informed that the Family Court has fixed the matter on 9th February 2005. If it is so, the Family Court will proceed to pass necessary orders permitting the daughter of the first informant to withdraw the amount in terms of clause (A) above and finally dispose of the procedings between the parties on that day itself unless it is inconvenient for the said Court for any sufficient reason.

. Relevant record pertaining to matter pending before the Family Court be forwarded forthwith, in particular consent terms duly signed by the parties, which are produced before this Court and Minutes of the Order.

. The Court records appreciation for the efforts put in by Justice H. Suresh as Mediator to make the parties resolve the contentious issues between them so as to bring quietus to all the disputes.

. Petition disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)